

2. Declares that there is no need to adjudicate on the remainder of the action;
3. Orders the Commission to pay the costs incurred by Mr Pablo Muñiz.

**Judgment of the Court of First Instance (Fifth Chamber) of 18 December 2008 —
Componenta v Commission**

(Case T-455/05)

(State aid — Metallurgy sector — Acquisition of a shareholding held by an undertaking in a property company and repayment of a loan by that undertaking to the property company in consideration for an investment in that undertaking — Decision declaring the aid incompatible with the common market and ordering its recovery — Private investor test — Valuation of the shares in a property company — Valuation of the real property assets of a company — Duty to state the reasons for the decision — Finding of the Court of its own motion)

1. *Procedure — Application initiating proceedings — Formal requirements — Brief summary of the pleas in law on which the application is based (Rules of Procedure of the Court of First Instance, Art. 44(1)(c)) (see paras 44, 45)*
2. *State aid — Concept — Competence conferred on the Commission and the national court to classify a national measure as State aid — Limited discretion of the Commission (Art. 87(1) EC) (see para. 97)*
3. *Acts of the institutions — Statement of reasons — Obligation — Scope — Commission decision on State aid (Arts 87(1) EC and 253 EC) (see paras 98-100)*

4. *State aid — Administrative procedure — National measures implemented without having been notified — Faculty open to the Commission to issue a direction to the Member State concerned in order to obtain the information deemed by it to be necessary — Decision adopted by the Commission, without issuing a direction, on the basis of information regarded by it as fragmentary (Council Regulation No 659/1999, Art. 10) (see paras 105-108)*

5. *Acts of the institutions — Statement of reasons — Obligation — Scope — Correction of an error of reasoning during the proceedings before the Court — Not permissible (Art. 253 EC) (see para. 121)*

Re:

APPLICATION for annulment of Commission Decision 2006/900/EC of 20 October 2005 on the State Aid implemented by Finland for investment aid to Componenta Corporation (OJ 2006 L 353, p. 36).

Operative part

The Court:

1. Annuls Commission Decision 2006/900/EC of 20 October 2005 on the State Aid implemented by Finland for investment aid to Componenta Corporation;

2. Orders the Commission to bear its own costs and pay Componenta's costs;

3. Orders the Republic of Finland to bear its own costs.